REMARKS

This is in response to the Office Action mailed on January 3, 2005. Claims 1-20 are pending in the application. Claims 11-13 are allowed. Claims 1, 8, 14, 18 and 19 are rejected and claims 2-7, 9, 10, 15-17 and 20 are objected to as being dependent upon a rejected base claim but allowable if rewritten in independent form. Applicants respond to the Office Action as follows.

Response to Objections to the Drawings

The drawings were objected to on the basis that reference character 128-1 is discussed in the specification but is not present in FIG 4 and reference character 128-2 is discussed twice in FIGS. 4 and 5. Reference character 128-2 in FIG. 4 has been changed to 128-1 so that the reference number in FIG. 4 is consistent with the specification and is distinguished from reference character 128-2 in FIG. 5.

The drawings were also objected to on the basis of reference to FIG. 6 in the 3rd paragraph of page 8. The paragraph has been amended to read FIG. 7 instead of FIG. 6. Based upon the foregoing reconsideration and withdrawal of the objections to the drawings are respectfully requested.

Response to Claim Rejections - 35 U.S.C. § 102

Claims 1, 8 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hinobayashi (JP 02-206010). By this Amendment, claim 14 has been amended to correct an informality.

Claims 1 and 14 were rejected on the basis that the English language Abstract of Hinobayashi discloses "energizing a heating element proximate to a transducer portion of a head during an intermittent period prior to a read or write operation". Hinobayashi discloses that "[w]hen a rotation command is issued from a CPU 23 to a **stopped magnetic disc** rotating

mechanism of a head disk assembly HDA 21, a heating signal generator 25 of an RW control circuit 24 is driven, and a heating signal is supplied . . . to heat the magnetic poles of the head". (emphasis added). Thus, "[t]he viscosity of the lubricant is reduced, and a slider 32 is smoothly levitated by the increase of the rotative speed of the disk. After levitation is stabilized, the CPU 23 stops the supply of the heating current." Thus, Hinobayahsi teaches application of a heating signal when a rotation command is issued to a stopped magnetic disc rotating mechanism.

Claims 1 and 14 recite energizing a heating element during an intermittent period during operation of a data storage device. As described on page 6, of Applicants' specification, the intermittent heating provides "an elevated or mininum transducer temperature (relative to ambient) *during operation of the device* to reduce condensation of moisture to protect the head or transducer elements from corrosion or other damage related to humidity or exposure" (emphasis added) (Applicants' specification, page 6, lines 19-23). As shown in FIGS. 4 and 5, the heating signal is supplied during operation for example, prior to a read or write signal, between a read or write signal, or following a read or write signal. Based upon the foregoing, allowance of claims 1 and 14 is respectfully requested.

Claim 8 as amended recites the steps of providing a read or write signal during a first period t_0-t_1 and providing a read or write signal during a second period t_2-t_3 and energizing a heating element proximate to a transducer portion of a head during an interim period t_1-t_2. Allowance of amended claim 8 is respectfully requested.

Response to Claim Rejections - 35 U.S.C. § 103

Claims 18 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hinobayashi in view of Gillis, U.S.

Patent No. 6,822,819. Gillis is not prior art to the present application under 35 U.S.C. §§ 102(a), 102(b) and 102(e). In particular, the present application was filed September 12, 2003. The Gillis patent issued November 23, 2004 and has a filing date of September 30, 2003. The September 12, 2003 filing date of the present application is prior to the filing date and issue date of Gillis and therefore Gillis is not prior art under 35 U.S.C. §§ 102(a), 102(b) and 102(e). Based upon the foregoing, withdrawal of the rejection of claims 18 and 19 based upon the combination of Hinobayashi and Gillis is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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